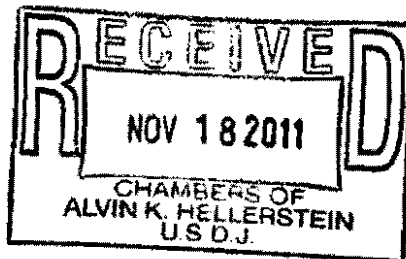


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November 17, 2011

BY HAND DELIVERY

Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
Chambers 1050
500 Pearl Street
New York, NY 10007

*So ordered
11/18/11
[Signature]*

**Bayer HealthCare LLC v. Eli Lilly and Company
11 Civ. 3047 (AKH)**

Dear Judge Hellerstein:

We represent plaintiff in the above-captioned matter. We are pleased to inform the Court that the parties have now consummated their settlement of this litigation.

A condition of the settlement is approval by the Court of the parties' proposed Consent Decree, which the parties have submitted to the Clerk. Accordingly, we write with the consent of defendant's counsel to jointly request that the Court restore the case (as contemplated by the Court's November 16, 2011 order) for the sole purpose of entering the Consent Decree (a courtesy copy of which is enclosed), dismissing the case with prejudice, and closing this case.

If you would like us to appear to address any issue in the proposed Consent Decree, please do not hesitate to let us know.

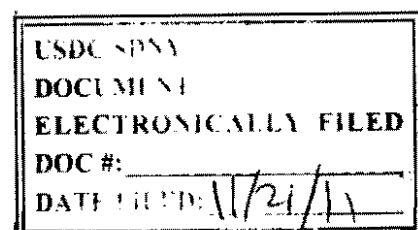
Respectfully submitted,

A handwritten signature in dark ink, appearing to read "David H. Bernstein".

David H. Bernstein

Enclosure

cc: Adam B. Michaels, Esq. (by email)
Stephen M. Brooks, Esq. (by email)



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